

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 9, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Deb Schorr
Bob Workman

Commissioners Absent: Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 2, 2004.**

MOTION: Hudkins moved and Workman seconded approval of the minutes of the Board of Commissioners meeting dated November 2, 2004. Schorr, Hudkins, Workman and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **CLAIMS: Approval of all claims processed through Tuesday, November 9, 2004.**

MOTION: Schorr moved and Hudkins seconded approval of all claims processed through November 9, 2004. Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. Issuance of bonds by Hospital Authority Number 1 of Lancaster County, Nebraska, in an amount not to exceed \$9,000,000 (Madonna Rehabilitation Hospital Project). (See New Business Item 5A for correlating resolution.)

The Chair opened the public hearing.

The Clerk administered the oath to Lauren Wismer, attorney appearing on behalf of Hospital Authority Number 1.

Wismer appeared and explained that the Internal Revenue Code requires a public hearing any time bonds are issued on behalf of a non-governmental entity.

The Clerk administered the oath to Marcia Lommel appearing on behalf of Madonna Rehabilitation Hospital.

Lommel briefly explained that the project is proactive health and fitness which combines a medical facility and a fitness facility in the same programmatic comprehensive plan. She stated the programs would include women's programs, lifestyle management and orthopedic programs.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

B. A petition from ten percent of the property owners living in Clarendon Hills Subdivision and Portsche Heights Subdivision for the paving of Revere Lane, Portsche Lane, Badger Drive, Boone Trail, 75th Street, Carson Road and Travis Drive. The name of the Special Paving Improvement District will be called Clarendon Hills Road Improvement District.

The Chair opened the public hearing.

The Clerk administered the oath to J. Michael Rierden, attorney representing Clarendon Hills and Portsche Heights subdivisions.

Rierden gave a brief overview of the petition indicating that it does not include the Amber Hills subdivision.

Submitted into the record by Rierden were the following documents:

- Copy of petition for the formation of the Special Improvement Paving District (Exhibit A)
- Copy of map outlining the proposed district (Exhibit B)
- Copy of public notice appearing in *Journal Star* (Exhibit C)

4) **PUBLIC HEARINGS CONTINUED:**

Stevens asked if it was possible to have an access route on the north end of 75th Street along Pine Lake Road and Highway 2 into the St. Elizabeth property.

Rierden responded that he wasn't aware of an access route.

The Clerk administered the oath to Susan Kirkpatrick, 8001 Amber Hill Road, Lincoln, Nebraska.

Kirkpatrick submitted her written comments into the record (Exhibit D) and indicated she was appearing on behalf of the Amber Hill Road Association residents.

Kirkpatrick stated they are in favor of paving, however, they would like the County to delay any action until such time as new road standards requiring eight inch asphalt/concrete are in place.

The Clerk administered the oath Jennifer Heck, 8000 South 80th Street, Lincoln, Nebraska.

Heck indicated she supports Kirkpatrick's comments and feels that it is too early in the process to be making any decisions.

The Clerk administered the oath to Peter Katt, attorney representing Prairie Homes.

Katt indicated Prairie Homes has the St. Elizabeth parcel under contract subject to its ability to obtain approval for a project on the property for development at a City level of density. He stated they are hoping to put into place a legal entity that will be able to negotiate definitive agreements with regard to how the roads in the area will be hard surfaced or made permanent.

Katt noted there are many six inch rural standard county roads existing within the City of Lincoln that have served certain areas well for a long period of time.

The Clerk administered the oath to Don Thomas, County Engineer.

Thomas stated it was his recommendation that Amber Hill be included in the paving district. He also spoke to thickness of the asphalt and stated the majority of new paving that has occurred in the County has been within the past 12 years. Thomas stated he has laid no asphalt less than seven inches in depth with most of it being eight inches in depth.

Schorr inquired about the process for changing the County standards.

Thomas stated the subdivision regulations would have to be amended.

4) **PUBLIC HEARINGS CONTINUED:**

The Clerk administered the oath to Kristy Mundt, Deputy County Attorney.

In response to a question asked by Stevens, Mundt stated an argument could be made that the district isn't created until the special election is held and the Board of Trustees are elected. She stated if the County Board amends the resolution setting forth the minimum standards during the time period prior to the special election they would be applicable at the time of the election.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

In response to a question asked by Stevens, Mundt clarified that the Board should direct the County Attorney's Office to draft a resolution setting forth the boundaries of the special paving improvement district and setting the date for the special election.

Submitted into the record by Mundt was a printout of the property owners in the proposed district (Exhibit E).

Mundt also indicated that she spoke with Dave Shively, Election Commissioner, regarding the date for the special election. The date of February 15, 2005 was recommended.

Schorr suggested that the Board also direct the County Engineer to draft new minimum standards in conjunction with the resolution setting forth the boundaries and to institute the new standards prior to February 15, 2005.

Extensive discussion took place regarding the inclusion of Amber Hill Estates in the boundaries of the special paving improvement district.

MOTION: Schorr moved and Workman seconded to direct the County Attorney's Office to draft a resolution setting forth the boundaries of the special paving improvement district to include the Clarendon Hills, Portsche Heights and Amber Hill subdivisions, setting the date of the special election for February 15, 2005 and to direct the County Engineer to draft new county standards by February 15, 2005. Hudkins, Workman, Schorr and Stevens voted aye. Motion carried.

5) **NEW BUSINESS:**

- A. A resolution approving the issuance, sale and delivery by Hospital Authority No. 1 of Lancaster County, Nebraska, not to exceed \$9,000,000 in the aggregate principal amount of its Revenue Bonds (Madonna Rehabilitation Hospital Project) Series 2004, solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended and related matters. (R-04-0135)**

MOTION: Hudkins moved and Schorr seconded approval of Resolution 04-0135 approving the issuance, sale and delivery by Hospital Authority No. 1 of Lancaster County, Nebraska, not to exceed \$9,000,000 in the aggregate principal amount of its Revenue Bonds (Madonna Rehabilitation Hospital Project) Series 2004, solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended and related matters. Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

- B. A resolution approving and authorizing the execution and delivery of a quitclaim deed, a general assignment and bill of sale and related matters relating to Industrial Development Revenue Bonds, Series 1980 (Bryant Air Conditioning and Heating Company of Lincoln, Nebraska Project). (R-04-0134)**

MOTION: Hudkins moved and Workman seconded approval of Resolution 04-0134 approving and authorizing the execution and delivery of a quitclaim deed, a general assignment and bill of sale and related matters relating to Industrial Development Revenue Bonds, Series 1980 (Bryant Air Conditioning and Heating Company of Lincoln, Nebraska Project). Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

- C. A grant contract with the City of Lincoln (Lincoln Police Department) for funding for the community-driven initiatives to address violence against women among diverse and traditionally under served populations, in the amount of \$66,919. Term of the grant contract is September 1, 2004 through August 30, 2005. (C-04-0543)**

MOTION: Hudkins moved and Workman seconded approval of a grant contract with the City of Lincoln (Lincoln Police Department) for funding for the community-driven initiatives to address violence against women among diverse and traditionally under served populations, in the amount of \$66,919. Schorr, Workman, Hudkins and Stevens voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

D. A grant contract with Friendship Home for funding for the community-driven initiatives to address violence against women among diverse and traditionally under served populations, in the amount of \$61,908. Term of the grant contract is September 1, 2004 through August 30, 2005. (C-04-0547)

MOTION: Schorr moved and Hudkins seconded approval of a grant contract with Friendship Home for funding for the community-driven initiatives to address violence against women among diverse and traditionally under served populations, in the amount of \$61,908. Hudkins, Workman, Schorr and Stevens voted aye. Motion carried.

E. A grant contract with Lincoln Action Program to assist in the general operations of the Youth ACT Program, a restorative justice project for young men ages 13 to 18 who are at risk of entering the criminal justice system, in the amount of \$50,000. Term of the grant contract is July 1, 2004 to June 30, 2005. (C-04-0544)

MOTION: Hudkins moved and Workman seconded approval of a grant contract with Lincoln Action Program to assist in the general operations of the Youth ACT Program, a restorative justice project for young men ages 13 to 18 who are at risk of entering the criminal justice system, in the amount of \$50,000. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

F. An agreement with the City of Hickman for law enforcement services within the City. The Sheriff will assign one deputy for duty and provide one sheriff's cruiser. Term of the agreement is from November 1, 2004 to October 31, 2005. The County will be reimbursed at the deputy's overtime rate for the services provided and will be reimbursed 37.5 cents per mile for cruiser maintenance. (C-04-00545)

MOTION: Hudkins moved and Workman seconded approval of an agreement with the City of Hickman for law enforcement services within the City. The Sheriff will assign one deputy for duty and provide one sheriff's cruiser. Term of the agreement is from November 1, 2004 to October 31, 2005. Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

G. A contract with Don McKinney, Inc., in the amount of \$97,500, for a pre-fabricated vehicle storage facility at 444 Cherrycreek Road. The work will begin upon notice to proceed by Lancaster County and will be completed 100 calendar days after notice to proceed is given. (C-04-0546)

MOTION: Hudkins moved and Workman seconded approval of a contract with Don McKinney, Inc., in the amount of \$97,500, for a pre-fabricated vehicle storage facility at 444 Cherrycreek Road. Hudkins, Workman and Schorr voted aye. Stevens voted no. Motion carried.

H. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following payees:

- Cole Layer Trumble, in the amount of \$171,000, for services rendered for the County Assessor's property tax system.
- City of Lincoln, in the amount of \$64,521.32, for hardware for the County Assessor's property tax system.
- Cheever Construction Company, in the amount of \$4,311, for the remodel of the old Juvenile Detention Center for CenterPointe, Inc.
- Lincoln Electric System, in the amount of \$167.43, for electricity for Midtown Center.
- Custom Countertop, in the amount of \$5, for repairs on counters at Midtown Center.
- Electric Fixture & Supply Company, in the amount of \$50.73, for lighting for Midtown Center.

Total payment request is \$240,155.48.

MOTION: Workman moved and Hudkins seconded approval to authorize Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund, in the total amount of \$240,155.48. Schorr, Hudkins, Workman and Stevens voted aye. Motion carried.

I. A salary increase for Kara Mickle, Deputy County Attorney, from \$53,000 to \$58,300, effective November 11, 2004.

MOTION: Hudkins moved and Workman seconded approval of a salary increase for Kara Mickle, Deputy County Attorney, from \$53,000 to \$58,300, effective November 11, 2004. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

J. Appointments of the following individuals to the Lancaster County Juvenile Detention Center Advisory Committee for two year terms, commencing January 1, 2005:

Nathan Woods with the Clyde Malone Community Center
Reggie Ryder with the Lancaster County Public Defender's Office
Stephanie Thonen with the Intensive Supervision Probation Office
Michelle Nelson with CenterPointe, Inc.
Lovie Magruder, member at large

MOTION: Hudkins moved and Schorr seconded approval of the appointment of Nathan Woods, Reggie Ryder, Stephanie Thonen, Michelle Nelson and Lovie Magruder to the Lancaster County Juvenile Detention Center Advisory Committee for two year terms, beginning January 1, 2005. Schorr, Hudkins, Workman and Stevens voted aye. Motion carried.

K. Request from Terry L. King, on behalf of the Havelock Land Company, for a refund of the 2001 taxes for personal property, in the approximate amount of \$148.37.

Norm Agena, County Assessor/Register of Deeds, gave a brief overview of the request indicating that the property was sold in June, 2000.

MOTION: Workman moved and Hudkins seconded approval of a request from Terry L. King, on behalf of the Havelock Land Company, for a refund of the 2001 taxes for personal property, in the approximate amount of \$148.37. Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

L. A political subdivision tort claim filed against the Lancaster County Corrections Department by Jerome Pickett, in the amount of \$80, for damaged property.

MOTION: Schorr moved and Hudkins seconded denial of a political subdivision tort claim filed against the Lancaster County Corrections Department by Jerome Pickett, in the amount of \$80, for damaged property.

Jerome Pickett, claimant, appeared and gave a brief overview regarding the claim.

ROLL CALL: Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

M. A resolution calling all of (A) the \$90,000 outstanding principal amount of the County's Limited Tax Building Bonds, Series 1995 (B) the \$345,000 outstanding principal amount of the County's Limited Tax Building Bonds, Series 1995B, and (C) the \$3,240,000 outstanding principal amount of the County's Limited Tax Building Bonds, Series 1999, for redemption and payment prior to the maturity thereof on December 15, 2004, providing notice of redemption and related matters. (R-04-0136)

MOTION: Hudkins moved and Workman seconded approval of Resolution 04-0136 calling all of (A) the \$90,000 outstanding principal amount of the County's Limited Tax Building Bonds, Series 1995 (B) the \$345,000 outstanding principal amount of the County's Limited Tax Building Bonds, Series 1995B, and (C) the \$3,240,000 outstanding principal amount of the County's Limited Tax Building Bonds, Series 1999, for redemption and payment prior to the maturity thereof on December 15, 2004, providing notice of redemption and related matters. Schorr, Hudkins, Workman and Stevens voted aye. Motion carried.

N. Special purchase of printing services for 250 "Try Another Way" packets and four posters (three mounted) at a cost of \$7,880, pursuant to the provisions of Neb. Rev. Stat. §23-3109(3) (Reissue 1997).

MOTION: Schorr moved and Workman seconded approval of a special purchase of printing services for 250 "Try Another Way" packets and four posters (three mounted) at a cost of \$7,880, pursuant to the provisions of Neb. Rev. Stat. §23-3109(3) (Reissue 1997). Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. County Clerk's Monthly Report for October, 2004.
2. Lancaster Manor's Monthly Report.

B. Setting of a public hearing for Tuesday, November 23, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding County Special Permit 04052, requested by Kitra L. Deger, for authority to construct and operate a private school/preschool for up to 30 students, on property generally located at 148th Street and "O" Streets (14302 "O" Street) in Lancaster County, Nebraska.

6) **CONSENT ITEMS CONTINUED:**

C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- Herbert E. and Rhonda K. Pickard at approximately 15001 Plum Ridge Road; Plum Ridge culverts. This is a donation. (C-04-0548)
- Dennis and Julie Callahan at approximately 15100 Plum Ridge Road; Plum Ridge culverts. This is a donation. (C-04-0549)
- Corey L. and Jeanette L. Stull and William A. Richt, Jr. and Kathleen K. Richt, in the total amount of \$907.50, on Old Cheney Road from South 148th to South 190th Streets; Project C55-Q-407(2). (2 contracts) (C-04-0550 and C-04-0551)

MOTION: Schorr moved and Hudkins seconded approval of the Consent Items. Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

7) **ADJOURNMENT:**

MOTION: Schorr moved and Workman seconded adjournment of the Board of Commissioners meeting at 3:06 p.m.. Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 9, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Deb Schorr
Bob Workman

Commissioners Absent: Bernie Heier

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 3:06 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 2, 2004.**

MOTION: Hudkins moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated November 2, 2004. Schorr, Hudkins, Workman and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 39 additions and deductions to the tax assessment rolls per Exhibit "A".

MOTION: Workman moved and Hudkins seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **NOTICES OF PROPOSED CHANGE IN EXEMPTION STATUS FOR THE FOLLOWING:**

**American Historical Society of Germans from Russia (3 notices)
Benedictine Convent of Sacred Heart
Christian Heritage Children's Home**

Norm Agena, County Assessor/Register of Deeds, recommended denial. He added that all the properties were sold between August and September of 2004.

MOTION: Hudkins moved and Workman seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the exemption for American Historical Society of Germans from Russia (3 notices), Benedictine Convent of Sacred Heart and Christian Heritage Children's Home. Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

5) **NOTICE OF ASSESSED VALUATION CHANGE FOR THE FOLLOWING:**

**Craig A. Peters and Robert S. Kendle (3 notices)
Madonna Rehabilitation Hospital
Safe Harbour EAT-VII, L.L.C.**

Agena explained that the Board of Equalization would be giving authorization to mail notice to the new property owners of the assessed valuation. He added that the new property owners have 30 days from the date of the notice to protest the value.

MOTION: Schorr moved and Hudkins seconded approval of mailing assessed valuation change notices to Craig A. Peters and Robert S. Kendle (3 notices), Madonna Rehabilitation Hospital and Safe Harbour EAT-VII, L.L.C.. Hudkins, Workman, Schorr and Stevens voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded adjournment of the Board of Equalization meeting at 3:09 p.m.. Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk